

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MICHAEL MILLER,</b>	:	
	<b>Plaintiff</b>	: <b>No. 1:24-CV-00014</b>
	:	
<b>v.</b>	:	<b>Magistrate Judge Schwab</b>
	:	
<b>COUNTY OF LANCASTER <i>and</i></b>	:	<b>Electronically Filed Document</b>
<b>OFFICE OF OPEN RECORDS,</b>	:	
<b>Defendants</b>	:	<i>Complaint Filed 01/04/24</i>

**DEFENDANT’S MOTION TO DISMISS THE COMPLAINT**

Defendant the Pennsylvania Office of Attorney General, through counsel, hereby file this Motion to Dismiss the Complaint (Doc. 1), with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Complaint fails to state any claim upon which relief may be granted. Defendant will file a brief in support of this Motion in accordance with Local Rule 7.5.

WHEREFORE, Defendant requests that this Court grant its Motion and dismiss the Complaint with prejudice.

Respectfully submitted,

**MICHELLE A. HENRY**  
Attorney General

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Date: February 9, 2024

By: s/ Mary Katherine Yarish  
**MARY KATHERINE YARISH**  
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Attorney ID #328843

**KAREN M. ROMANO**  
Chief Deputy Attorney General  
Civil Litigation Section

*Counsel for Defendant Office of Open  
Records*

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**CERTIFICATE OF CONCURRENCE / NON-  
CONCURRENCE**

I, Mary Katherine Yarish, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that Plaintiff was contacted for his concurrence position via electronic email, and, at the time of the filing of this Motion, Undersigned Counsel did not receive his position on concurrence.

*s/ Mary Katherine Yarish*  
**MARY KATHERINE YARISH**  
Deputy Attorney General

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**CERTIFICATE OF SERVICE**

I, Mary Katherine Yarish, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on February 9, 2024, I caused to be served a true and correct copy of the foregoing document titled *Defendant's Motion to Dismiss the Complaint* to the following:

**VIA ECF**

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*Counsel for Defendant County of Lancaster*

*s/ Mary Katherine Yarish*  
**MARY KATHERINE YARISH**  
Deputy Attorney General